



12/18/97

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VIII
999 18th STREET - SUITE 500
DENVER, COLORADO 80202-2466

1765591 - R8 SDMS

DEC 18 1997

Ref: 8ENF-T

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Wayne E. Webster
Rico Development Corporation
P.O. Box 592
Athens, TX 75751

FEB 27

RECEIVED
JAN 26 1998
U.S. ENVIRONMENTAL PROTECTION AGENCY
REGIONAL OFFICE
DENVER, COLORADO

Re: Request For Information Pursuant to
Section 104 of CERCLA for the
Rico-Argentine Site located in Dolores
County, Colorado

Dear Mr. Webster:

The United States Environmental Protection Agency (EPA) is currently investigating the release or threatened release of hazardous substances, pollutants or contaminants, or hazardous wastes on or about the Rico-Argentine Site located in Dolores, County, Colorado, hereinafter referred to as "the Site". With this letter, EPA is seeking information related to your ability to conduct or to pay for a response action at the Site.

Pursuant to the authority of Section 104 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. 9604, as amended, you are hereby requested to respond to the Information Request set forth in Enclosure 1, attached hereto.

Compliance with the Information Request set forth in Enclosure 1 is mandatory. Failure to respond fully and truthfully to this Information Request (Enclosure 1) within thirty (30) days of receipt of this letter, or adequately to justify such failure to respond, can result in enforcement action by EPA pursuant to Section 104(e) of CERCLA, as amended. This statute permits EPA to seek the imposition of penalties up to \$27,500 for each day of continued noncompliance. Please be further advised that provision of false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C 1001.

This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501, et seq.



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Your response to this request must be accompanied by a notarized certificate that is signed and dated by the person who is authorized by you to respond to this request. The notarized certificate must state that the response submitted to EPA is complete and contains all documents and information responsive to this request that are known to you following a complete and thorough review of all information and sources available to you. A suggested format for the notarized certificate is included with this request as Enclosure 2.

Your responses to this Information Request should be mailed to:

**U.S. Environmental Protection Agency
David L. Broste, Civil Investigator
Technical Enforcement Program, 8ENF-T
999 18th Street, Suite 500
Denver, Colorado 80202-2466**

Due to the legal ramifications of your failure to respond properly, EPA strongly encourages you to give this matter your immediate attention and to respond to this Information Request within the time specified above. If you have any legal or technical questions relating to this Information Request, you may consult with EPA prior to the time specified above. Please direct legal questions to Andy Lensink, Attorney, Legal Enforcement Program at (303) 312-6908. David Broste, Civil Investigator, is also available to discuss this request at (303) 312-6209.

TALPED 1-13-97
EXTEND TO 3-22-

Thank you for your cooperation in this matter.

Sincerely,



Sharon Kercher, Director
Technical Enforcement Program,
Office of Enforcement, Compliance
and Environmental Justice

Enclosures

cc: David L. Sell
McMichael, Sell & Agresti, LLP
1580 Lincoln Street, Suite 900
Denver, CO 80203



**RICO-ARGENTINE SITE
INFORMATION REQUEST**

Instructions

1. Please provide a separate narrative response to each and every Question and subpart of a Question set forth in this Information Request.
2. Precede each answer with the number of the Question to which it corresponds.
3. If information or documents not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, you must supplement your response to EPA. Moreover, should you find, at any time after the submission of your response, that any portion of the submitted information is false or misrepresents the truth, you must notify EPA of this fact as soon as possible and provide EPA with a corrected response.
4. For each document produced in response to this Information Request indicate on the document, or in some other reasonable manner, the number of the Question to which it corresponds.
5. The information requested herein must be provided even though the Respondent may contend that it includes possibly confidential information or trade secrets. You may, if you desire, assert a confidentiality claim covering part or all of the information requested, pursuant to Sections 104(e)(7)(E) and (F) of CERCLA, as amended by SARA, 42 USC 9604(e)(7)(E) and F, Section 3007(b) of RCRA, 42 USC 6927(b), and 40 CFR 2.203(b), by attaching to such information at the time it is submitted, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret," or "proprietary" or "company confidential." Information covered by such a claim will be disclosed by EPA only to the extent, and only by means of the procedures set forth in 40 CFR Part 2, 41 Fed. Reg. 36,902 (1976) (amended at 43 Fed. Reg. 40,000 (1978), and 50 Fed. Reg 51,661 (1985)). If no such claim accompanies the information when it is received by EPA, it may be made available to the public by EPA without further notice to you. You should read the above cited regulations carefully before asserting a business confidentiality claim, since certain categories of information are not properly the subject of such a claim.



Definitions

The following definitions shall apply to the following words as they appear in this Enclosure 1:

1. The term "you" or "Respondent" shall mean the addressee of this Request, the addressee's officers, managers, employees, contractors, trustees, partners, successors, assigns, and agents.
2. The term "site" for purposes of this request shall mean the St. Louis Tunnel Mine and Millsite and associated tailings ponds and water treatment facilities.
3. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known business address and business telephone number, present or last known home address and home telephone number, and present or last known job title, position or business.
4. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship) to set forth its full name, address, legal form (e.g., corporation, partnership, etc.), organization, if any, and a brief description of its business.
5. The terms "transaction" or "transact" mean any sale, transfer, giving, delivery, change in ownership, or change in possession.
6. The term "property interest" means any interest in property including, but not limited to, any ownership interest, including an easement or right of way, any interest in the rental of property, any leasehold, and any mineral rights.
7. The term "asset" shall include the following: cash; bank accounts, real estate, building or other improvements to real estate, equipment, vehicles, furniture, inventory, supplies, customer lists, accounts receivable, interest in insurance policies, interests in partnerships, corporations and unincorporated companies, securities, patents, stocks, bonds, and other tangible as well as intangible property.
8. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, 42 U.S.C. §§ 9601 et seq.; RCRA, 42 U.S.C. §§ 6901 et seq.; or their regulations found at 40 CFR Part 300 or 40 CFR Part 260 et seq. respectively, in which case the statutory or regulatory definitions shall apply.



QUESTIONS

1. Identify the person(s) answering these Questions on behalf of Respondent (defined in definition 1 above).
2. For each and every Question contained herein, identify all persons consulted in the preparation of the answer.
3. Provide signed copies **with attached schedules** of all income tax returns sent by Respondent to the United States Internal Revenue Service for its five most recently completed tax years.
4. Provide copies of all financial statements, reports, or projections prepared by, for or on behalf of the Respondent for the past five years, whether audited or unaudited, including, but not limited to, all those filed with Federal agencies, State agencies, and all financial institutions such as banks.
5. State the amount of cash Respondent currently has on hand, in safe deposit boxes, in bank accounts, in certificates of deposit, in money market funds, or in any similar account or repository.
6. State the current market value of all securities (including government and nongovernment) currently owned by Respondent. Securities shall include stocks, bonds, commodities, treasury certificates, debentures, mutual funds, options to buy or sell stocks or bonds, and options to buy or sell commodities.
7. Describe all real property and interests in real property including but not limited to property at the site ("property interests" are defined in definition 6 above), including oil, gas, and mining properties owned by Respondent including the following information:
 - a. legal description, and if applicable, the address
 - b. current assessed value;
 - c. date of acquisition and identity of party from whom it was acquired;
 - d. purchase price if acquired within the past five years;
 - e. appraised value if appraised at anytime within the past five years;
 - f. current use of property;



- g. amount of income derived from the property during each of the past five years;
- h. identification of all other persons who hold any interest in the real property and their relationship to Respondent;
- i. amount of outstanding mortgage balance or other financial encumbrances upon the property, and
- j. details concerning any negotiations for the sale of or offers to buy or sell any real property owned by Respondent including the names of the parties involved in the prospective transaction, the description of the property to be conveyed, and the terms including price of the sale.

8. For each account, note, or loan receivable in excess of \$10,000, in which Respondent has an interest provide the following information:

- a. name of debtor and relationship to Respondent;
- b. a description of the debt owed to Respondent;
- c. the currently outstanding balance; and
- d. the terms for repayment of the debt.

9. For each account, note, or loan payable by Respondent in excess of \$10,000, provide the following information:

- a. name of creditor and relationship to Respondent;
- b. a description of the debt owed by Respondent;
- c. the currently outstanding balance; and
- d. the terms for repayment of the debt.

10. Has Respondent, at any time since January 1, 1994, conveyed or disposed of any property interest or asset by sale, gift, or otherwise with a market value of \$10,000 or more at the time of such disposition. If so, please state for each disposition:

- a. a description of the property interest or asset disposed of;



- b. the date of disposition;
- c. the name, address, and relationship to Respondent of each person to whom the disposition was made;
- d. the form of the disposition (sale, gift or otherwise);
- e. the market value of the property interest or asset at the time of disposition; and
- f. the nature and value of any consideration received.

11. Describe other sources of income, property interests, or other assets, actual or contingent, that Respondent holds, which have not been previously disclosed in answer to this information request, and state the value or potential value of such income, property interest or other assets.

12. Describe the current status of the Rico Development Corporation.

13. If the above corporation has been dissolved provide the following information:

- a. Provide the date of dissolution.
- b. Describe the reason for the dissolution,
- c. Describe the nature and amount of assets held by Respondent corporation at the of the dissolution action and provide copies of any documents that describe those assets.
- d. Describe how the assets of the corporation were distributed at dissolution, and identify all parties receiving such assets and their relationship to Respondent.
- e. Describe how the liabilities and obligations of Respondent corporation were dealt with through the dissolution, and identify all parties to whom any such liabilities or obligations were transferred.
- f. Identify the custodian of the corporate records of Respondent, describe what records exist, and state where those records are presently located.



- g. Provide copies of documents related to the dissolution including filings with the Secretary of State's office, corporate minutes, and corporate resolutions related to the dissolution and disposal of Respondent's assets.

